

Before the
FEDERAL COMMUNICATIONS COMMISSION FILED/ACCEPTED
 Washington, D.C. 20554

APR 12 2007

Federal Communications Commission
 Office of the Secretary

In the Matter of)	
)	
Amendment of Section 73.202(b))	MB Docket No. 05-243
Table of Allotments)	RM - 11363
FM Broadcast Stations)	RM - 11364
(Meeteetse, Wyoming))	RM - 11365

To: Office of the Secretary
 Attn: Assistant Chief, Audio Division
 Media Bureau

REPLY COMMENTS

Sand Hill Media Corporation and Sandhill Media Group, LLC (together, the "Joint Parties"), submit their Reply Comments in the above captioned proceeding to correct an error in the March 28, 2007 Public Notice,¹ and to respond to reply comments filed by Brigham Young University – Idaho ("Brigham Young"). In support hereof, the Joint Parties state as follows:

1. On February 10, 2006, the Joint Parties amended their Counterproposal to allot Channel 263C1 at Idaho Falls, Idaho (for use by Station KUPI-FM) at different coordinates (43-21-06 N, 112-00-22, W) than originally proposed in the Counterproposal. This amendment eliminated the need to make changes to Station KITT(FM), Soda Springs, which in turn eliminated the conflict with the proposed allotment of Channel 259C at Meeteetse, Wyoming. This amendment was not reflected in the March 28, 2007 Public Notice.

2. In addition, as part of their Counterproposal, the Joint Parties also requested that the Commission issue an Order to Show Cause to Brigham Young, the licensee of Station

¹ There were three Counterproposals filed in this proceeding. The Joint Parties filed one of these Counterproposals, which was released on Public Notice on March 28, 2007 (Report No. 2809) and assigned rule making number RM-11364. The other two Counterproposals were released on Public Notice on March 28, 2007 (Report No. 2808) (RM-11363) and April 2, 2007 (Report No. 2811) (RM-11365).

KBYI(FM), Rexburg, Idaho to show why its channel should not be changed from Channel 263C1 to Channel 232C1 at its current site. This channel change will permit the implementation of the public interest benefits of the Joint Parties' Counterproposal and the Joint Parties encourage the Commission to expeditiously issue an Order to Show Cause to Brigham Young. The Joint Parties reiterate that they will reimburse Brigham Young for its reasonable expenses in changing channels in accordance with *Circleville, Ohio*, 8 FCC 2d 149 (1967).

3. On October 4, 2005, Brigham Young filed reply comments opposing the proposed KBYI channel change. Brigham Young makes two claims. First, it claims that the channel change will be expensive and might disrupt the listening habits of its listeners. However, this argument ignores the fact that the Joint Parties will reimburse Brigham Young for its expenses. Also, the Commission has held on numerous occasions that the public interest (here the provision of first local service and coverage of white area) outweigh the costs and disruption associated with a channel change. Second, Brigham Young asserts that proposals are limited to two channel substitutions. It cites *Columbus, Nebraska*² and the Commission's recent streamlining docket in support of its claim.³ Brigham Young, however, misreads these cases. The Commission limits involuntary channel changes to two channel substitutions. The Joint Parties' Counterproposal only requests one involuntary channel substitution and thus is consistent with Commission policy. Thus, the Commission should dismiss Brigham Young's Reply Comments and expeditiously issue an Order to Show Cause.

² *Columbus, Nebraska*, 88 RR 2d 1184 (1986).

³ See *Revision of Procedures Governing Amendments to FM Table of Allotments and Changes of Community of License in the Radio Broadcast Services*, 20 FCC Rcd 11 169 (2005).

WHEREFORE, for the foregoing reasons, the Commission should take notice of the error in the March 28, 2007 Public Notice and should expeditiously issue an Order to Show Cause **as** requested in the Joint Parties' Counterproposal.

Respectfully submitted,

SAND HILL MEDIA CORPORATION

SANDHILL MEDIA GROUP, LLC

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April 12, 2007

⁴ Please note the change in address **for** counsel **for** the purpose of service.

CERTIFICATE OF SERVICE

I, Elbert Ortiz, in the law firm of Wiley Rein LLP, do hereby certify that I have on this 12th day of April, 2007, unless otherwise noted, caused to be mailed by first class mail, postage prepaid, copies of the foregoing **"Reply Comments"** to the following:

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